

W&R TIMBER MANAGEMENT, INC.,)	AGBCA No. 2006-115-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
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ORDER OF THE BOARD OF CONTRACT APPEALS

April 19, 2006

Opinion for the Board by Administrative Judge VERGILIO.

On November 17, 2005, the Board received this appeal filed by W&R Timber Management, Inc., of Hayden Lake, Idaho (purchaser). The respondent is the U. S. Department of Agriculture, Forest Service (Government). The purchaser on the Jack Flash Timber Sale contract, No. 75444-5, in the St. Joe Ranger District of the Idaho Panhandle National Forests, seeks a contract interpretation, as it maintains that the Government is liable under the scaled timber sale contract for what it contends are erroneous, overstated volume estimates. The contracting officer had denied the claim, concluding that the contract placed the risks for the variances upon the purchaser.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. After discussions regarding the issues, and the submission of the appeal file, complaint, and answer, the purchaser informed the Board on April 19, 2006, during a telephone conference, that it will not be pursuing relief. It requests a dismissal with prejudice. The Government supports such a dismissal.

DECISION

Pursuant to the requests of the parties, this matter is dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

April 19, 2006